

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PUBLIC SERVICE COMPANY OF
NEW MEXICO,

Plaintiff,

vs.

CV No. 15-501 JAP/CG

APPROXIMATELY 15.49 ACRES OF LAND
IN MCKINLEY COUNTY, NEW MEXICO, et al.,

Defendants.

Consolidated with

LORRAINE BARBOAN, et al.

Plaintiffs,

vs.

CV No. 15-826 JAP/CG

PUBLIC SERVICE COMPANY OF
NEW MEXICO, et al.

Defendants.

**ORDER REGARDING DEFENDANTS CONTINENTAL DIVIDE ELECTRIC
COOPERATIVE, INC. AND TRANSWESTERN PIPELINE, LLC**

THIS MATTER is before the Court upon review of the record. On June 11, 2018, the Court ordered the parties to notify the Court regarding the status of Defendants Continental Divide Electric Cooperative, Inc., and Transwestern Pipeline, LLC, who had not been participating in the case. (Doc. 166). Specifically, the parties were ordered to state whether these Defendants “will be dismissed from the case, or will participate in the case.”

On July 31, 2018, in response to the Court's Order, Defendant Transwestern Pipeline, LLC filed a notice stating it has "disclaimed any interest and waives notice as to all matters pertaining to this proceeding," and that "Transwestern will not participate further in this proceeding." (Doc. 170). The parties filed a separate response to the Court's order, in which they state that "counsel for Continental told the Parties to state to the Court that 'Continental Divide Electric Cooperative remains an interested party that is actively monitoring the case.'" (Doc. 171 at 2).

The Court's rules do not provide for named defendants to "waive notice" or "actively monitor" a proceeding. As such, as long as Defendants Continental Divide Electric Cooperative, Inc., and Transwestern Pipeline, LLC, are named parties, they must participate in the case by attending hearings and other proceedings, unless they receive prior approval by the Court to be excused. Such approval will only be granted upon a timely, unopposed motion to the Court.

IT IS THEREFORE ORDERED that Defendants Continental Divide Electric Cooperative, Inc., and Transwestern Pipeline, LLC, are required to participate in this case as long as they are named Defendants.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE